

# A DECISION OF IMPORT TO MINING CAMPS

## Judge O'Brien Renders Decision in a Goldfield Town Lot Litigation Which Means Much to Many Mining Towns

Some weeks ago Judge O'Brien of this city, occupying the Goldfield bench for Judge Langan, heard the presentation of the litigation between Lillian May Finnegan and Bert Ulmer et al., involving title to the Elite saloon property on Main street, Goldfield, but which, in reality, has a direct bearing on a vast stretch of ground within the town limits. The plaintiff wins out completely, and the decision further sustains her view of the townsite law as applied to such mining camps as Goldfield.

Judge O'Brien took the case under advisement, and on Monday sent the written decision to the clerk of the court at Goldfield, and the same was read in court. The decision, summarized, is as follows:

"To permit a person who has been let into possession of one of these town lots under a lease from the original possessor, and after recognizing his title by the payment of rent or by accepting possession thereunder, to repudiate his lease and the title under which he entered, simply because the officials of the land office might cancel the mining claim upon which the title rests and afterward issue a townsite patent, would be to place a premium upon fraud, violation of personal covenants and other acts of more or less moral turpitude which I can not consent to do."

Commenting upon the decision, and the direct and important bearing it has on the development of Goldfield, the Tribune of Tuesday morning says:

"A decision handed down yesterday by Judge J. P. O'Brien of Tonopah establishes the point very clearly that a tenant can not accept a lease from a landlord and then afterwards dispute the landlord's title, and himself claim ownership by virtue of possession."

"The decision has a tremendous bearing on practically all the property in Goldfield, and delivers a body blow to those who would seek an advantage at the expense of the earlier settlers."

"Tex Rickard, the well known business and mining man, will at once commence the erection of a business block on Main street, on valuable ground, as a consequence of the

decision yesterday. The premises will involve an outlay of about \$25,000.

"It is expected that the decision of the Tonopah jurist will give a decided stimulus to building all along lower Main street. Rickard has set the pace with his announcement. He believes that this is the time to get busy with building operations, and is preparing to sustain his opinion with a small fortune out of his own pocket."

## OIL AND GAS STRUCK IN THE BLAIR VICINITY

A report reached Tonopah last evening that a Boston company which is sinking for oil in the Salt Marsh near Blair, struck oil and gas yesterday afternoon. Telephonic reports from Goldfield also confirmed the report and stated that the Goldfield agent of the company had received a telegram from Blair with the same statement, and further stated that a number of automobiles had left that city last night for the scene of the strike.

Owing to the lateness of the hour it was impossible to reach Blair on the telephone and full particulars of the strike could not be learned. It is known though that several companies are at work on the salt marsh drilling for oil. The entire country is literally covered with oil indications and the strike was a daily expectation.

## TARIFF TO BE REDUCED ON METAL PRODUCTS

WASHINGTON, Nov. 28.—From the testimony given before the ways and means committee it is evident that some reduction, possibly 10 to 20 per cent, will be made in the duties on iron, steel and metal products, when the new tariff bill is framed.

# GRAND JURY HAD CASE UP ITS SLEEVE

## Two Round Mountain Men Indicted—Alleged Highgraders Turned Loose, and Secret Indictment and a Warrant Issued in Another Case

The Nye county grand jury made a report to the district court yesterday afternoon, and with it came a number of surprises. Fred Newton, of Round Mountain, who was indicted some time ago on the charge of manslaughter and had the indictment quashed in the court, was again indicted. The charge this time is for murder, and his bail was fixed at \$5000. Newton is at present in the county jail and will probably be arraigned in the district court this morning.

A true bill was brought in against C. M. McKillops of Round Mountain, and he is charged with assault with intent to kill. Several weeks ago while on a spree in Round Mountain McKillops shot one Ida Jewell in the breast with a revolver. The wound was not serious and the woman is

now on the road to recovery. McKillops' bail was placed at \$2500.

In the case of Wm. Turner, Tom Conifrey and Pat Flanagan, who were arrested some time ago on the charge of high grading from the MacNamara mine, and which the grand jury has been investigating for some time, the jury brought in no bill, and the court ordered the defendants dismissed from the custody of the sheriff.

The grand jury also returned a secret indictment, which the court ordered placed on the secret file, and ordered a bench warrant issued for the party. Bonds were fixed at \$10,000. Who the indicted party is remains a mystery, for it is impossible to secure any information from the members of the grand jury, and nothing can be learned until the warrant is served.

# A MURDER AT RAWWHITE SATURDAY

RAWWHITE, Dec. 1.—W. B. Witter, said to be a son of a professor in the University of Washington, was shot and almost instantly killed here at midnight Saturday night.

At the time it was said the shooting was done by A. R. Friday, formerly of Cripple Creek, and now leasing here. At the time Witter met his death he was in the company of Irene Smith.

All stories agree that both men exchanged shots, and when the crowd reached the side of the fallen man it was found that a bullet had torn an ugly hole in the side of his neck and came out near the top of his head.

This is the reason given to prove that Witter died by a shot from his own gun fired in the excitement of the duel. It leaked out at the inquest this afternoon, however, that the bullet which did the work had been recovered and weighed, when it was found that it is thirteen grains short of the standard .45 caliber, the gun used by Witter.

Friday was exonerated by the coroner's jury, however, but was immediately rearrested and placed under bonds to keep the peace.

Witter has lived here some time and worked as a bartender and gambler.

## ARE TRAINING FOR THE FIGHT

Freddie Weeks started training yesterday at the Big Casino for his match with Martin Hefron, which takes place in Goldfield on December 10. Weeks will continue to train here until the day before the fight, when he will go to the southern city. There was a large number of local fight bugs present to get a line on the little miner's condition, and all agree that the fight will be a hummer. Hefron has started training in Goldfield.

## M'CORMACK SAYS GOLD CIRCLE HAS FINE PROSPECTS

J. C. McCormack, a wizard from Goldfield, came, saw and the feeling left behind him is that he has found another Broken Hills bonanza here. But this will be part of a story later on. He simply said as he departed: "From what I have seen Gold Circle has very fine showing. I am exceedingly pleased with the district so far. The district will, in my opinion, in time have big mines. It looks good to me. Let it go with that, for, as a rule, I am not given to long interviews; facts are better, speak for themselves and the facts here are that you have very excellent evidence to conform the idea of big mines," and Mr. McCormack is one of the strong mining men of the west, and his trail of success covers Cripple Creek, Leadville, Goldfield and greatest of them all, the Clifford bonanza. —Gold Circle News.

Latest creations in children's trimmed hats just received at Mrs. Munn's. 12-2-21

**STILL IN COURT.**  
The case of the Nye and Ormsby County Bank versus John McKane is still before the district court, and it will probably be several days before the case goes to the jury. The arguments will in all probability be started this afternoon by the attorneys.

A divorce was granted Monday afternoon in the district court to Kitty Sullivan from Dan Sullivan, on the grounds of extreme cruelty.

The Mizpah grill; cuisine and service unexcelled. 12-2-11

## NOTICE OF SHERIFF'S SALE

Notice is hereby given that pursuant to a certain judgment and execution heretofore rendered by the District Court of the First Judicial District of the State of Nevada, in and for the County of Esmeralda, entered in a cause therein pending wherein Wm. B. Ogden was Plaintiff and Nevada Queen Mines Company, a corporation, was defendant, I have levied upon and will offer for sale at public auction at the front door of the Court House, in the City of Tonopah, County of Nye, and State of Nevada, the said property being situated in said County of Nye, on the 19th day of November, A. D. 1908, at the hour of ten o'clock in the forenoon of said day the following described real property situated lying and being in the Goldfield Mining District, County of Nye and State of Nevada, to-wit:

The Lightening, Johannesburg, Congo, Sacajawea, Wyklukum and Transit lode mining claims, more particularly described in the location certificates thereof recorded in Book 38 at Page 591, Book 22 at Pages 154, 156, 161 and 162 and Book 32 at Page 414 respectively of the Records in the office of the County Recorder of Nye County aforesaid, and all the right, title and interest of said defendant in and to said lode mining claims, or so much thereof as may be sufficient to raise the amount due the plaintiff, to-wit: The sum of thirty-nine hundred eighty-five dollars and twenty-four cents (\$3985.24), together with all costs incidental thereto in pursuance of said judgment and execution.

Dated at Tonopah, Nevada, October 26th, 1908.

Ogden and Stickney, Attorneys for Plaintiff.

**POSTPONEMENT.**  
Notice is hereby given that the above sale has been postponed until Monday, November 30th, at the hour of 10 o'clock in the forenoon.

Tonopah, Nevada, November 23, 1908.

**SECOND POSTPONEMENT.**  
Notice is hereby given that the above sale has been postponed until Tuesday, December 15th, 1908, at the hour of 10 o'clock in the forenoon.

J. J. OWENS, Sheriff. By Val Pittman, Deputy.

## Our Business is Banking

The sign "Bank" does not make a bank and is often misleading. It requires time, energy, close attention to business, a substantial capital and ripe experience in banking to make a bank. We claim, without blushing, all the essentials necessary to make our business that of banking, and tender our patrons a service thoroughly seasoned by years of experience, backed by a substantial capital and a large surplus.

NEVADA FIRST NATIONAL BANK OF TONOPAH  
UNITED STATES DEPOSITARY.

## PERSONAL MENTION

O. Warner, a prominent rancher of Reese river, came in yesterday from that section.

J. Grant Crumley, of the Nevada Club, returned yesterday from a business trip to Blair.

Bert Wertheimer, the well known San Francisco salesman, came down from the north yesterday.

J. F. Sullivan, the local merchant, has returned to Tonopah after a week spent in San Francisco.

Major J. H. Monteath came on yesterday morning's train from the coast, where he has spent the past week.

Donald B. Gillies, president of the Tonopah Extension and Montgomery Shoshone, leaves this morning for Reno.

J. B. Lightfoot, of Millers, who has been spending several days in Tonopah, returned to the desert city yesterday.

Paul De Laney left yesterday morning for Denver, where he will join Mr. De Laney and child, who left here last week.

Attorney Fred L. Berry was a passenger on yesterday morning's north bound train for Carson, where he will be occupied for several days on legal business.

I. P. Frasier, of the Montgomery Shoshone company at Rhyolite, left for that camp yesterday, after spending a day in Tonopah on business in connection with the mine.

J. M. Burnell, of the Goldfield Tribune, was in Tonopah yesterday morning. Mr. Burnell accompanied his daughter, Jeanette, who is en route to Denver, as far as Tonopah and returned to the southern city on the noon train.

Mr. and Mrs. W. H. Shockley left on yesterday morning's train for Palo Alto, California, where they will reside in the future. They will stop over a day in Reno, where Mrs. Shockley will resign her appointment as deputy United States mineral surveyor. Mrs. Shockley has the distinction of being the only woman deputy mineral surveyor in the United States, having received the appointment years ago when she was a member of the firm of Bradford and Bradford, civil engineers.

## WARNING TO TAX PAYERS!

You are requested to pay your taxes at once and not wait until the last day when, the office will be so crowded that it may be impossible to wait on every one. The Tonopah tax roll is at the Nye and Ormsby County bank.

R. F. GILBERT,  
County Treasurer.

## The Clifford Realty Company

List Your Town Lots and Mining Properties.

All mining properties in Clifford district and all realty interests in Helena Townsite are our specialties. We are in receipt of daily inquiries and can secure you the best possible prices. We are on the ground and know all.

Address: The Clifford Realty Company, Helena (Clifford), Nye County, Nevada.

## GEO. P. DeVINE, Oph. D.

Expert Specialist in Sight Defects.

If you have reason to believe you need glasses, don't trifle with incompetent persons; consult a specialist. Artificial eyes made to order and inserted; charges reasonable. Will be at Union Drug Store December 1 and 2.

## MINING MACHINERY & SUPPLIES

WE CARRY A LARGE STOCK OF HOISTS, CABLE, CARS, BUCKETS, ETC. GET OUR PRICES. WIRING SUPPLIES, FIXTURES AND LAMPS AT COST. TELEPHONE OUR OFFICE AND OUR REPRESENTATIVE WILL CALL.

## THE NEVADA-CALIFORNIA POWER CO.

## A GAS HEATER GAS and a MATCH

NO WOOD OR COAL TO CARRY, NO KINDLING TO SPLIT, NO WAIT FOR HEAT.

NEVADA GAS COMPANY  
PHONE 1542. SUMMIT & BROUGH

## Banking is our Business

The sign "Bank" does not make a bank and is often misleading. It requires time, energy, close attention to business, a substantial capital and ripe experience in banking to make a bank. We claim, without blushing, all the essentials necessary to make our business that of banking, and tender our patrons a service thoroughly seasoned by years of experience, backed by a substantial capital and a large surplus.

NEVADA FIRST NATIONAL BANK OF TONOPAH  
UNITED STATES DEPOSITARY.

## NEW ADVERTISEMENT

EVERY DAY FRESH ALL KINDS OF BREAD, CAKES, PIES, ETC.

VIENNA BAKERY  
171 MAIN ST. PHONE 605  
FRUIT CAKE—the best kind, 50c lb.

CARL D. DROSSEL  
MERCHANT TAILOR  
Removed to  
MINERAL STREET  
Next to Marks' Warehouse

## Lumber For all Classes of Building Material & Mining Timber

CALL AT...  
CARLSON'S LUMBER YARD  
Lower Main Street  
Phone 2112 P. O. Box 555

## TONOPAH AND GOLDFIELD RAILROAD

EFFECTIVE, JULY 19, 1908.  
Locals (or Pacific) Time.  
7:45 a.m. Lv. Goldfield ..Ar. 12:25 p.m.  
9:05 a.m. Ar. Tonopah ..Lv. 11:15 a.m.  
9:20 a.m. Lv. Tonopah ..Ar. 11:00 a.m.  
9:52 a.m. Lv. Millers ..Ar. 9:52 a.m.  
10:29 a.m. Lv. Blair Junct. ..Ar. 9:17 a.m.  
1:12 p.m. Lv. Mina ..Ar. 8:25 a.m.  
6:55 p.m. Lv. Hazen ..Ar. 2:50 a.m.  
7:45 p.m. Lv. Reno ..Ar. 12:15 a.m.  
7:08 a.m. Ar. San Fran. ..Lv. 10:40 a.m.  
1:30 p.m. Ar. Ogden ..Lv. 5:10 p.m.  
3:05 p.m. Ar. Salt Lake ..Lv. 4:00 p.m.  
SIX TRAINS DAILY BETWEEN  
GOLDFIELD AND TONOPAH.

Leave Tonopah	Arrive Goldfield	Leave Goldfield	Arrive Tonopah
8:10 a.m.	9:15 a.m.	11:15 a.m.	12:25 p.m.
11:15 a.m.	12:25 p.m.	3:40 p.m.	4:45 p.m.
7:45 a.m.	8:50 a.m.	7:45 a.m.	8:50 a.m.
2:10 p.m.	3:15 p.m.	6:00 p.m.	7:05 p.m.

H. R. HANLIN, W. D. FORSTER,  
Gen'l Supt., Gen'l Pass. Agt.

## MISCELLANEOUS

WANTED — Competent maid for housework; good wages. Telephone 2062, or apply Bonanza office. 12-1-11

FOR SALE—Safe, cash register and bar fixtures, cheap. Inquire Bonanza office.

FOR SALE—Gasoline hoist, complete. N. H. Higgins, Frisco store. 10-21-11

DR. LYON—Physicist, palmist and healer. Cutting bldg. Room 102. 10-21-11

FOR SALE—One new two-horse power Wagner 60-cycle, single phase, electric motor. Address B Bonanza office. 11

## VALLEY VIEW HOTEL BISHOP, CALIFORNIA.

Under New Management.  
Entirely new.  
Table d'hôte.  
GEORGE LEDY, MANAGER.

## PROFESSIONAL CARDS.

CAMPBELL, METSON & BROWN  
ATTORNEYS-AT-LAW,

State Bank and Trust Co. Building,  
TONOPAH, NEVADA.

C. H. McINTOSH H. R. COOKE  
McINTOSH & COOKE,  
ATTORNEYS  
Offices—Tonopah Bldg., Tonopah, Nev.  
NOTARY IN OFFICES

KEY PITTMAN,  
Attorney-at-Law,  
State Bank Building,  
Tonopah, Nevada.  
STEVENS & VAN PELT,  
Associates,  
Rawhide, Nevada.

# BOOKS

Don't send out of town for your holiday books. We've got 'em -- the old ones of merit, and the newest ones, too. We can give you books at any price, in any style, in any number. And with the exception of some of our de luxe editions, especially for gifts, you can read any book in our store at a price which will surprise you for its cheapness. Didn't know that, did you? Before sending away for a book, come in and see us. It don't cost you anything to look, and may save you money and time. That's all for this time, but--- just watch this space for book bargains.

## ROTHOLTZ BROS.

BOOK AND STATIONERY STORE  
NEXT TO WELLS-FARGO  
TONOPAH, - - - NEVADA.